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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY: _____

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALBERT LAO,

Plaintiff,

v.

LAROME BROWNLEE,

Defendant.

No. CV 12-4921 UA (DUTYx)

ORDER SUMMARILY REMANDING
ACTION TO STATE COURT

The Court will remand this "Notice of Removal Under 28 U.S.C., section 1441 (And per valid applicability RE L.R. 7-15, Inclusive with stipulated actuary/diversity standing," Case No. 11U03659, to state court summarily because Defendant removed it improperly.

On June 5, 2012, Defendant LaRome Brownlee, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

Simply stated, Plaintiff could not have brought this action in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal-question jurisdiction, and therefore removal is improper. 28 U.S.C. § 1441(a);

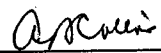
1 *see Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S. 546, 563, 125 S. Ct. 2611, 162
2 L. Ed.2d 502 (2005). Even if complete diversity of citizenship existed (which it does
3 not), the amount in controversy does not exceed the diversity-jurisdiction threshold of
4 \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful-detainer
5 complaint recites that the amount in controversy does not exceed \$10,000.

6 Nor does Plaintiff's unlawful detainer action raise any federal legal question. *See*
7 28 U.S.C. §§ 1331, 1441(b).


8 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the
9 Superior Court of California, Los Angeles County, Santa Monica Courthouse, 1725
10 Main Street, Santa Monica, California 90401 for lack of subject matter jurisdiction
11 pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send a certified copy of this Order to
12 the state court; and (3) that the Clerk serve copies of this Order on the parties.

13 IT IS SO ORDERED.

14
15 DATED: 6/20/12

16 
17 AUDREY B. COLLINS
18 Chief United States District Judge

19 Presented by:

20 
21 /S/ FREDERICK F. MUMM
22 FREDERICK F. MUMM
23 United States Magistrate Judge
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